

**Planning Commissioner's Written Comments
May 12, 2015**

Garrett Ridge Multifamily Community (Z1400022)

Mr. Buzby – I vote to approve. This proposal makes sense to provide inter connectivity to two development units. However, I do have concerns that the US Army Corps of Engineers requested consideration of a 100 foot buffer of undisturbed vegetation next to the property boundary to help protect water quality. Staff has indicated this request has not been met. I would be more comfortable with this proposal of the Corps requested of a 100- foot buffer was met.

Mr. Davis – Move approval

Mr. Gibbs – Approve new internal access to development with BPAC recommendations 1 and 4.

Mr. Harris – Voted yes

Ms. Huff- I voted to approve. The developer and property owner are to be commended for rezoning this property in a way so as to bring it into compliance with adopted plans. The rezoning when completed will reconcile the number of approved units and the number designated on the FLUM. As well it allows cross access between the two properties. There was some discussion, because of a form letter from the Corps of Engineers, that buffers should be increased between this property and the Corps land. Two reasons were given, water quality and safety because of hunting where it was suggested also that the developer erect signage. Regarding the issue of water quality, the development adheres to all of the appropriate buffers as requested in the UDO and further protections do not seem necessary. As for the issue of hunting, it is my opinion the Corps, not the private property owner, is responsible for making sure whatever activities happen on its land are done in a way so as to protect the safety of the residential land around it. Wild Game Land already has signage and hunting practices can be regulated to make them safe for surrounding areas. For instance the Corps can allow hunting only from stands, they can post the various seasons, bow, black powder, deer, turkey etc., they can disallow certain kinds of weapons, they can designate their own buffers.

Mr. Miller - This rezoning also makes sense. It will allow the developer to join two development plans into one with an interior connection. It is important to note that one property is built out and the other has a site plan and is approved for development. This case does not present any issue concerning density, buffers, or other issues. The effect of denying the rezoning would be that the parcels will be developed separately with no interior connection. I see no public policy that is advanced by such a result. The developer has two additional parcels to the north that he wishes to add to this consolidated development. The rezoning of these parcels will require a plan amendment and consideration of a broader range of issues. For this reason the developer has separated the cases into the one before us now which protects his vested rights and does not muddle those considerations with the broader

and somewhat riskier requests he plans to make with regard to the additional parcels. This is understandable and wise.

Much of the planning commission's discussion turned on the issues of hunting and water quality raised by the Army Corps of Engineers' letter. Because both of the subject parcels are already cleared for development, these considerations, at this point, are immaterial as a practical matter. A 100-ft. buffer exceeds what Durham requires and in this case, buffers are not on the table. Signage may be a reasonable thing to do to caution residents about possible hunting activities on corps lands, but it is a matter the developer can handle without a development plan commitment. With only the question of an interior connection between the two parcels at stake, it seems disconnected and out of proportion to use buffers and signage as leverage to revisit issues which have already been addressed in prior approvals. If we were going to raise these points, we should have done it when the original development plans were on the table.

The council should support this rezoning.

Mr. Padgett – Approve

Mr. Whitley- I vote to approve.